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Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

April 28, 2008

## **RE: Comments on MB docket number 04-233**

Summit Media Broadcasting, LLC and Summit Media, Inc are small West Virginia companies with FCC broadcast licenses in rural central West Virginia. We wanted to take this opportunity to make our comments known before the FCC so that the commissioners would have a prospective from small town USA. While not all markets are equal, the proposed new regulations set forth in docket 04-233 would be a big setback in our efforts to provide local FREE radio service to the public in rural parts of West Virginia and also hurt rural broadcasters more in comparison to top 100 market stations.

### **Issue 1 – Main Studio Location:**

Our radio stations are licensed to various rural communities spread out among three neighboring counties, Braxton, Nicholas and Webster, a 3 county total of just over 50,000 population and very limited business advertising support. Additionally there are other radio station (companies) in this same population area. Summit, in an effort to defray the cost of operating our 5 radio stations, consolidated 4 of them at one central location. We also have before the FCC a petition for a 7 air mile studio waiver so we can co-locate a stand alone AM which presently has a silent STA awaiting the petition. Our studios are located just off Interstate 79 at Exit 62 in Sutton, WV. We consolidated here because it is the easiest accessible site for listeners from all directions and technically feasible to send our audio feed to our tower sites. Central West Virginia has rough terrain with hundreds of hills up to 3,000+ feet high. Most areas have no electric service, no utilities and no roads. Summit provides a central studio location, a toll free phone number, e-mail address and web site for public contact. Due to the very small population we cover, Summit encompasses all our small communities

into one larger County community. We direct our programming efforts to the overall local coverage area and our listeners love it.

If Summit had to operate main studios in our communities of license, we would have to have 4 separate main studios. This requirement would be too costly to maintain, between separate studio rentals or real estate, utilities, office equipment and staffing of main studios. There is hardly enough revenue available in all our coverage area to properly sustain 1 or 2 radio stations, try to sustain 7 or 8 radio stations. The end result would be less service for the public and less resources to upgrade equipment.

Back in the 50's and 60's when there were less than 5 small AM stations covering most of central WV, it was possible for each station to prosper and survive. Most areas were lucky to have one daytime AM station they could pick up. Most had to listen to radio at night for any variety or exposure to the outside world. Forward to today, there are many more radio stations on the air that could be heard in central WV, add satellite radio, I-pods, cable TV, satellite TV, internet radio, LPFM, translators and more. The competition is intense, while our 50,000 population has stayed about the same. Most of broadcast radio's competition has no regulation, no mandates, or no limitations. Broadcast radio in rural America finds the potential for survival becoming more difficult with each new regulation or mandate. Yet the FCC expects broadcast radio to somehow come up with money to support regulation that may have been able to be supported decades ago in the past because there was very little competition for advertising dollars.

## **Issue 2 – Eliminate Unattended Operation of Broadcast Stations**

While some metro marketplaces with large populations should provide live operations, small markets cannot afford to do so for a variety of reasons. The most important factor is the cost to maintain a full time staff 24 hours a day, the first cutback would be 24 hour broadcasting. Most stations would probably have to go off the air before mid-night and have shorter hours on weekends. The next problem is finding a trained workforce or enough persons interested in this type of employment, namely working 24 hour schedules, weekends, holidays and in our area during hunting season. This is assuming we can afford to even pay for this level of staffing, plus maintain employees needed for sales, office work, engineering, etc. Presently Summit can provide listeners 24 hours a day weather emergencies and EAS warnings that cover 11 central WV counties, if we were forced to cut back on our broadcast hours, no one would be served while we are off the air.

### **Issue 3 – Established minimum programming requirements for processing license renewal applications**

Summit Media presently provides Local, State and National news on all our stations daily. We provide local and regional weather reports updated every day part seven days a week. Summit provides community coverage of local high school sports, state college sports, community events, political debates, public service announcements and any worthwhile project to better our listening community. Summit also features locally produced music shows, including a live phone in request and dedication show now in it's 8<sup>th</sup> year airing every Saturday night from 7pm to 12 midnight. We also air and support a locally produced weekly bluegrass show that features local artists. Summit sponsors and produces a local talent search yearly and features music from West Virginia talent during our specialty shows. Summit also produces local election night coverage of 10 central WV counties, which is the only service of its kind to our listening area. Summit is presently providing the American Cancer Society's Relay for Life local chapters in Braxton and Nicholas Counties over \$20,000 dollars of donated airtime to promote it's fund raising efforts. Summit recognizes that if local broadcasters are to survive, we must be involved in the communities we serve. Another mandate is not necessary and may become excessive, that it actually takes away the manpower to do the actual local programming that the community already receives from responsible local broadcasters.

### **Issue 4 – Mandate Permanent Community Advisory Boards**

Summit contends that this regulation would cripple local rural broadcasters from actually providing service that is meaningful to our listeners. Responsible broadcasters such as Summit already provide easy access to groups and organizations free of charge to air and present their views. This month we provided a free 30-minute interview to a local school board to present their views in support of a bond and levy election issue to keep our local schools from consolidation and state takeover. If we had to staff an advisory board, possibly pay them for their time, require meetings, cover the board with liability insurance and more, where would we come up with all this money? It may be common practice in Washington DC to have committees and boards for every little discussion that is paid by taxpayers. Who is going to fund rural local broadcasters who are lucky to just keep the lights on and make payroll? If local broadcasters can not ascertain community issues, they will fall to the wayside and be taken over by those who can respond to community issues, gain the trust of advertisers and keep providing FREE services that keeps listeners coming back to support that broadcaster's good community work.

## **Issue 5 – Disclosure of National Playlists**

The FCC would be creating a national nightmare of paperwork for both the local broadcaster and the FCC staff. What does it matter what format a broadcaster airs? If listeners do not like it, that broadcaster will be forced into changing a format or risk losing all advertising sponsorship on the station. Most responsible local broadcasters will have feature shows as the Summit stations, we have country, bluegrass, rock oldies, classic rock, top 40 hits, urban, classic country and more. We have local request shows where the listeners pick the music, we feature new local artists during specialty shows and we also promote local talent contests. Will the FCC be able to determine if we are playing enough bluegrass? Or are we playing too much jazz and not airing enough talk shows? What is the point here to appease a small faction of listeners at the expense of the majority of listeners? Who's going to pay for us to do all the extra work? Will our FCC fees have to go up to pay for all the added staff needed to review our independent market driven programming choices?

## **In Summary**

Summit believes that the FCC would be hurting the abilities of local responsible broadcasters to provide service to rural America with an excessive burden of paperwork and regulations that services no one. The reasons these regulations were discarded in the 1980's because they were pointless, they accomplished very little positive service to the public. I personally have been in the broadcasting business since 1970 and have worked under heavy regulations and now under the most liberal. While huge corporate giants may need closer supervision for their attention is focused on shareholders, the local broadcasters are still just as responsible today to the communities they serve if they plan on surviving. The proposed new regulations set forth in docket 04-233 would be a big setback in our efforts to provide local FREE radio service to the public in rural parts of West Virginia and also hurt rural broadcasters more in comparison to top 100 market stations. We just don't have the income to support the extra employees and the extra facilities needed. The FCC would be casting a fatal blow to local rural broadcasters that would further erode diversity and put small independent operators out of business.

Respectfully Submitted,

Nunzio A. Sergi – GM  
Managing Member / President  
Summit Media